



Dkt. 1784/53661-AA/JPW/JCS

*IFW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stewart Shuman, et al.  
Serial No. : 10/666,486 Examiner: N. Bhat  
Filed : September 19, 2003 Art Unit: 1634  
For : TOPOISOMERASE-BASED REAGENTS AND METHODS FOR  
MOLECULAR CLONING

1185 Avenue of the Americas  
New York, NY 10036  
November 12, 2007

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

**COMMUNICATION IN RESPONSE TO OCTOBER 11, 2007 NOTICE TO  
COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

This Communication is submitted in response to the October 11, 2007 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures issued by the U.S. Patent and Trademark Office in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit A**. The October 11, 2007 Notice provides a one-month period for response. Therefore a response is due November 11, 2007. However, because November 11, 2007 falls on a Sunday, a response filed the next business day, i.e., Monday, November 12, 2007, is to be considered timely. Accordingly, this Communication is being timely filed.

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**REMARKS**

The October 11, 2007 Notice indicated that the computer readable form (CRF) of the sequence listing submitted with applicants' Amendment filed August 28, 2007 was damaged and/or unreadable, and therefore, a substitute CRF must be submitted as required by 37 C.F.R. §1.825(d).

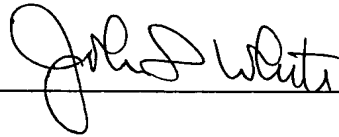
In response, applicants submit a substitute CRF containing the sequence information set forth in the paper copy of the sequence listing attached as Exhibit B in applicants' August 28, 2007 Amendment.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

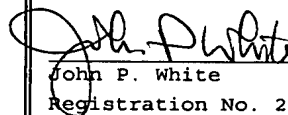
Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. No. (212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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 11/12/07  
John P. White Date  
Registration No. 28,678

**EXHIBIT A**



## Notice to Comply

Application No.

10/666,486

Examiner

Narayan K. Bhat

Applicant(s)

Shuman et al

Art Unit

1634

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- Reminder 11/1/2007 Response Due 11/10/2007
- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
  - ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
  - ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
  - ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
  - ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
  - ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
  - ☐ 7. Other:

#### Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

**SCORE****CRF Problem Report**

**SCORE** experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 10/666,486  
 Filing Date: 09/19/2003  
 Date Processed by SCORE: \_\_\_\_\_

Contact: Electronic Business Center: Telephone: 866-217-9197

**Nature of CRF Problem:**

- \_\_\_\_ (circle one) Damaged or Unreadable  
 \_\_\_\_ Blank (no files on CRF)  
☒ Empty file (filename present, but no bytes in file)  
 \_\_\_\_ Wrong file saved to CRF (invention title, docket number, or applicant(s) do not match those in official application)  
 \_\_\_\_ Not saved in ASCII text  
 \_\_\_\_ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.  
 \_\_\_\_ Did not contain a Sequence Listing.  
 \_\_\_\_ Other:

**PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM TO REDUCE ERRORS.  
 SEE BELOW FOR ADDRESS:**

**<http://www.uspto.gov/web/offices/pac/checker/chknote.htm>**

1. EFS-Bio (**<http://www.uspto.gov/ebc/efs/downloads/documents.htm>**), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
 U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/20/06

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10666486	9/19/2003	SHUMAN ET AL.	1784/53661-AA

COOPER & DUNHAM, LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

**EXAMINER**

Narayan K.. Bhat

ART UNIT	PAPER
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1634

20071001

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 8/30/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The computer readable form that was sent with the response has no files. See the attached EBC report. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

**APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825.** Failure to comply with these requirements will result in **ABANDONMENT** of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:  
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P.O. Box 22313 1450  
Alexandria, VA 22313 1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:  
U.S. Patent and Trademark Office  
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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR)

system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

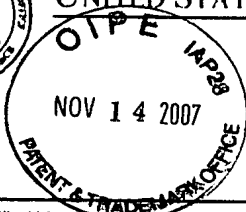
  
(VUBHAW)

  
BJ FORMAN, PH.D.  
PRIMARY EXAMINER





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,486

09/19/2003

Stewart Shuman

1784/53661-AA

8020

21432 7590 10/11/2007  
COOPER & DUNHAM, LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER

BHAT, NARAYAN KAMESHWAR

ART UNIT

PAPER NUMBER

1634

MAIL DATE

DELIVERY MODE

10/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.